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UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA  
SACRAMENTO DIVISION

IN RE:	)	Case No: 18-21031-E-13C
	)	DCN: DPC-1
	)	
MICHAEL J. CIAPESSONI,	)	TRUSTEE'S OBJECTION TO
	)	CONFIRMATION
	)	
	)	DATE: MAY 15, 2018
	)	TIME: 3:00 P.M.
	)	JUDGE: SARGIS
<u>Debtor(s)</u>	)	COURTROOM: 33

DAVID P. CUSICK, TRUSTEE, objects to confirmation of the Debtor(s) plan and does not recommend its confirmation.

The Trustee objects to confirmation as:

1. **DELINQUENCY.** The Debtor is \$2,472.21 delinquent in plan payments to the Trustee to date and the next scheduled payment of \$2,472.21 is due on April 25, 2018. The case was filed on February 23, 2018, and the Plan in §1.01 calls for payments to be received by the

1 Trustee not later than the 25<sup>th</sup> day of each month beginning the month after the order for relief  
2 under Chapter 13. The Debtor has paid \$0.00 into the Plan to date.


3       2. **BUSINESS DOCUMENTS.** Schedule I, line 8a reflects that the Debtor receives  
4 business income in the amount of \$2,312.51 per month. The Debtor has failed to provide the  
5 Trustee with 6 months of bank statements as requested.

6  
7       3. **BEST EFFORT.** The Plan may not be debtors best effort, under 11 U.S.C. §  
8 1325(b). The Debtor is over the median income. Debtor proposes to pay \$2,445.00 per month  
9 for 60 months with a guaranteed dividend of 100% to general unsecured claims. The Debtor's  
10 projected disposable monthly income listed on Schedule J totals \$3,384.00 and the Debtor is  
11 proposing a plan payment of only \$2,445.00. If all disposable income is contributed toward the  
12 plan, Debtor's plan will complete in approximately 27 months opposed to 60 months.

13  
14       The Debtor's 2017 tax returns reflect that the Debtor received a refund of \$5,349.00 from  
15 Federal and \$1,929.00 from the State. The Debtor has failed to propose to pay the tax refunds  
16 into the Plan.  
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18  
19       WHEREFORE the movant prays that the Court enter an order denying confirmation of the  
20 Debtor(s) plan.

21  
22 Dated: APRIL 4, 2018

23   
24 Talvinder S. Bambhra, Attorney for Trustee  
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